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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
11 RIVERSIDE DIVISION
12

13 **JONATHAN WAYNE BOTTEN,**
14 **SR., et al.,**

15 Plaintiffs,

16 v.

17 **STATE OF CALIFORNIA, et al.,**

18 Defendants.
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20
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No. 5:23-cv-257 KK (SHKx)

**STIPULATION TO DISMISS
PLAINTIFFS' FIRST, SECOND,
THIRD, AND SIXTH CLAIMS OF
THE FIRST AMENDED
COMPLAINT AGAINST
DEFENDANT MICHAEL
BLACKWOOD**

Judge: Hon. Kenly Kiya Kato
Trial Date: July 28, 2025
FAC Filed: June 8, 2023

22 Under Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and Local Rule 7-1,
23 Plaintiffs Jonathan W. Botten, Sr., Tanja Dudek-Botten, Annabelle Botten, and
24 J.B., and Defendant Michael Blackwood, through their respective attorneys of
25 record, stipulate to the dismissal with prejudice of the First, Second, Third, and
26 Sixth Claims for Relief asserted in Plaintiffs' First Amended Complaint (FAC).

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1 Plaintiffs initiated this action against Defendant Blackwood and others on
2 February 16, 2023, and they filed their FAC, the operative complaint, on June 8,
3 2023. (ECF No. 27.)

4 In the FAC, the First Claim is for excessive force under 42 U.S.C. § 1983, the
5 Second Claim is for substantive due process under § 1983, the Third Claim is for
6 battery under California law, and the Sixth Claim is for violations of the California
7 Bane Act (Cal. Civ. Code § 52.1).

8 Defendant Blackwood answered the FAC on September 12, 2023. (ECF No.
9 53.)

10 In connection with Defendant Blackwood's intended motion for summary
11 judgment, the parties telephonically met and conferred on January 22, 2025, and
12 continued to meet and confer by e-mail on January 28, 2025, when Plaintiffs agreed
13 to dismiss the First to Third and Sixth Claims against Blackwood.

14 Based on the parties' informal resolution efforts, the parties agree and request
15 that the First, Second, Third, and Sixth Claims in the FAC be dismissed against
16 Blackwood with prejudice. This stipulation applies only to Defendant Blackwood
17 and to this case. Each party will bear their own costs and attorney's fees as to these
18 claims.

19 IT IS SO STIPULATED.

20 Dated: February 24, 2025

LAW OFFICES OF DALE K. GALIPO

22 */s/ Hang D. Le*

23 DALE K. GALIPO
24 HANG D. LE
Attorneys for Plaintiffs

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27 ///

1 Dated: February 24, 2025

ROB BONTA
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D. MORRISON
Supervising Deputy Attorney General

4 */s/ Diana Esquivel*

DIANA ESQUIVEL
Deputy Attorney General
*Attorneys for Defendants Blackwood,
Kee, and Rubalcava*

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14 Pursuant to Local Rule 5-4.3.4, I attest that all other signatories listed, and on
15 whose behalf the filing is submitted, concur in the filing's content, and have
16 authorized the filing.

17 Dated: February 24, 2025

ROB BONTA
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NORMAN D. MORRISON
Supervising Deputy Attorney General

21 */s/ Diana Esquivel*

DIANA ESQUIVEL
Deputy Attorney General
*Attorneys for Defendants Blackwood, Kee,
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